

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FB SELECT LLC,

Plaintiff,

-against-

YOGOBOHO INC.,

Defendant.

24-cv-9799 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

For the reasons set forth in defendant Yogoboho's motion to dismiss, *see* Dkts. 12, 32, the motion to dismiss is GRANTED and the complaint is dismissed without prejudice. *See* Dkt. 11. Plaintiff FB Select's amended complaint fails to allege plausibly that Yogoboho made a false or misleading statement or that Yogoboho interfered with a prospective business relationship, targeted any activity towards any potential business partner of FB Select, or acted by dishonest or unfair means.

FB Select will be furnished one final opportunity to amend its complaint. If FB Select elects to file an amended complaint, the complaint should be filed on or before July 21, 2025. FB Select's amended complaint must quote the specific statements from specific advertisements alleged to be explicitly or implicitly false or misleading, as well as the specific conduct that is alleged to satisfy the elements of the alleged tortious-interference claim. Given the briefing to date, plaintiff's counsel is aware of the governing authorities regarding these claims, and so the complaint should be consistent with those authorities, in accordance with counsel's obligations under Fed. R. Civ. P. 11.

Additionally, on or before July 21, 2025, lead counsel and the principal decisionmaker for FB Select and Yogoboho must meet and confer in person or over videoconferencing (with video for all participants turned on) for at least thirty minutes to resolve this case.

Discovery in this case is stayed pending further order of the Court. The Clerk of Court is directed to terminate the motion at Dkt. 11.

SO ORDERED.

Dated: July 7, 2025
New York, New York



ARUN SUBRAMANIAN
United States District Judge